

Chapter 2

Hotel/Motel, Bed and Breakfast Regulation

2-0.000 Authority and Purpose.

Sections 251.04(3) and 254.69(2)(g) Stats., provide the Board of Health of the Eau Claire City-County Health Department the authority to adopt regulations to protect and improve public health. Section 254.69(2)(am) Stats. authorizes the City-County Health Department to be designated an agent of the State Department of Health Services (DHS) for the purpose of establishing permit fees; issuing permits; making investigations or inspections of hotels, motels, tourist rooming houses, bed and breakfast establishments; and enforcing state laws governing these facilities. Section 254.69(2)(g) Stats. authorizes the Board of Health to adopt and impose regulations on licenses and premises for which the local health department is the designated agent, which are stricter than these chapters or rules adopted by the state.

2-0.010 Applicability.

The provisions of this regulation shall apply to the operator of any hotel, motel, tourist rooming house or bed and breakfast establishment in the City or County of Eau Claire including within all municipalities in Eau Claire County.

2-0.020 Enforcement.

The provisions of this regulation shall be administered by or under the direction of the health officer, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation.

2-0.030 License.

- A. No person shall operate a bed and breakfast, hotel, motel or tourist rooming house without first obtaining a license from the Health Department. Such licenses shall expire on June 30 following their issuance except that licenses initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year.
- B. The issuance of a license may be conditioned upon the licensee correcting a violation of this regulation within a specified period of time. If the condition is not met within the specified period of time, the license shall be voided.
- C. A license shall not be transferable to a location other than the one for which it was issued, nor shall a license be transferred from one operator to another.
- D. Prior to the granting or renewal of a bed and breakfast license where more than a continental breakfast (beverage and toast, pastry, or cereal) is served, the operator or a manager shall meet the requirements of the Wisconsin Food Code Chapter 12 – Certified Food Manager.
- E. A license shall not be granted to a person intending to operate a new hotel, motel, tourist rooming house or bed and breakfast establishment or existing establishment for which a person intends to be a new operator without a preinspection.

- F. Application for permits shall be made in writing to the Health Department or such other office as designated by the Health Department, on forms provided by the Health Department or other offices as designated by the Health Department. Applications shall state the name and address of the applicant, and the address and location of the proposed bed and breakfast establishment, hotel, motel or tourist rooming house, together with such other information as may be required.
- G. License Suspension and Revocation. Such permits may be temporarily suspended by the Health Department for a violation of any provision of this regulation, or rules adopted by reference by this regulation, which creates an immediate danger to health. Such permits may be revoked after repeated violations. The permittee shall have an opportunity for a hearing by the Board of Health as provided for in Section 2-0.070 of this regulation

2-0.040 Fees.

Section 66.0628 Wis. Stats. provide the authority to set and impose fees for services.

- A. License Fees. The fees for the licenses shall be established by the Board of Health to cover part or all of the cost of issuing licenses, making investigations, inspections, sampling, providing education, training and technical assistance to the establishments, plus the cost required to be paid to the state for each license issued.
 - 1. The fees for licenses shall be established separately for each type of hotel/motel, bed and breakfast, or tourist rooming house. Fees may be based on the number of rooms.
 - 2. If the annual renewal fee is not received on or before the license expiration date, late fees shall be issued pursuant to 2-0.040 C.1. Additionally, establishments operating 15 calendar days after the expiration will be closed by order of the Health Officer.
- B. Preinspection Fees. Separate fees will be required for preinspections of new establishments or existing establishments for which a person intends to be a new operator. Such fees shall be established by the Board of Health.
- C. Late and Penalty Fees.
 - 1. Late fees shall be required, as established by the Board of Health, for each license if the renewal fee is not paid before the license expires.
 - 2. Fees/payments received and returned by the financial institution for insufficient funds are subject to a fee, as established by the Board of Health.
 - 3. Operators found to be operating without a valid license shall be subject to an initial license fee as well as a penalty fee equal to that of the license fee.
 - 4. Operators found to be operating without a certified food manager, as required by the Wisconsin Food Code, shall be subject to a penalty fee equal to that of the reinspection fee as established by the Board of Health (2-0.040D).
- D. Reinspection Fees. Reinspection fees shall be established by the Board of Health.
 - 1. A reinspection fee will be assessed for a second and each successive reinspection when a violation(s) of an order has not been brought into compliance by the owner and/or operator of the hotel/motel, bed and breakfast, and tourist roominghouse. The reinspection fee shall be established by the Board of Health.

2. A reinspection fee will be assessed when an inspection pursuant to Wisconsin Statutes section 254.72 and/or 254.61(4) is unable to be completed due to: an establishment refusing entry to properly identified health department inspectors and/or the establishment is allowing members of the public, employees or management to engage in conduct or activities that are in violation of state, local or health department regulations for the protection of the health and safety of the general public and employees of the establishment.
3. Reinspection Fees will be assessed for each and every reinspection required to be completed until such time as the inspection is able to be fully completed or the violation ceases to exist.
4. A reinspection fee is due upon written demand from the Health Department. The Health Department may issue a demand for payment at the time the owner/operator makes application to renew the license.
5. The Health Department may not issue or renew a license until all fees due and owing under this regulation are paid in full.

2-0.050 Food Service, Drinking Water, and Sanitation Requirements.

All bed and breakfast establishments, hotels, motels and tourist rooming houses shall comply with the requirements of this regulation.

- A. Food Service. Except as provided in this regulation, all hotels/motels and tourist roominghouses shall comply with the requirements of the Wisconsin Food Code, DHS 196, and the Board of Health Food Establishment Regulation (Chapter 1).
 1. Milk Service
 - a. Establishments shall not have bulk jugs/gallons/cartons or non-individually packaged cartons of milk displayed or stored for public self-service (for example: a gallon of milk stored in a self-service refrigerator for public use).
 - b. Allowable milk service would include individual cartons, milk dispensing units, or an approved insulated carafe. Depending upon the type of milk service available in a lodging setting (typically with continental breakfasts), there are two license categories with their respective requirements are as follows:
 1. "01" Limited Food Service License: Milk service is accomplished through the use of individual cartons or milk dispensing unit with disposable dishes/utensils and there are no other food preparation activities.
 2. "02" Non-Limited Food Service License: Milk service through the use of a carafe or container for self-service that must be washed and sanitized (4-comp sink or commercial dishmachine) after each use.
 - c. All containers of milk may only be stored in commercial refrigeration. Bulk containers of milk may only be used or dispensed by employees in a kitchen/food processing/food service setting.

2. Drinking Water - Drinking water shall be safe and obtained from a public water system or a private water system that is located on premise and constructed, maintained, and operated in accordance with ch. NR 809, Safe Drinking Water and ch. NR 812, Well Construction and Pump Installation as enforced by the Department of Natural Resources or their designated agent.
- B. The foregoing regulations shall apply to bed and breakfast establishments only to the extent that they are not in conflict with state laws, rules or regulations.
1. Bed and breakfast establishments shall comply with the provisions as set forth in the City of Eau Claire Code of Ordinances Chapter 16.08, Housing Maintenance and Occupancy Code which are incorporated in this regulation by reference and they shall be construed, read and interpreted as though fully set forth herein.
 2. Bed and breakfast establishments shall comply with the following provisions:
 - a. Breakfast shall be limited to a continental breakfast (beverage and pastry, toast or cereal) unless pre-packaged food obtained from a licensed restaurant and/or approved food processor, is served or the operator or a manager is certified as required in section 2-0.030D of this regulation.
 - b. Drinking water – Ice handling. Common drinking cups shall not be provided or used. If ice is provided, it shall be handled, transported, stored, and dispensed in such a manner as to be protected against contamination.
 - c. Beds, linen, furnishings – Sanitary condition.
 1. Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary.
 2. Clean linen shall be stored and handled in a sanitary manner and separated from soiled linen.
 - d. Potentially hazardous foods shall be prepared the day it is served. Left over potentially hazardous food shall not be served to guests.
 - e. Once served to a guest, portions of leftover food may not be served again except that packaged food, other than potentially hazardous food, that is still packaged and is still in sound condition, may be re-served.
 - f. A metal stem-type numerically scaled indicating thermometer accurate to +2°F(1°C) shall be provided and used to ensure that the proper internal cooking and/or holding temperature is maintained.
 - g. Utensils used in the preparation and serving of meals to the guests must be properly washed and sanitized using the five step procedure as follows:
 1. Prewash and scrape gross particles and soil from the utensils.
 2. Wash in water having a minimum temperature of 110°F(43°C) and containing an adequate amount of an effective soap or detergent (a home style dishwasher may be used for this step).
 3. Rinse the utensils with clean water so that they are free of detergents and abrasives (a home style dishwasher may be used for this step).

4. Sanitize the utensils by immersing in a hypochlorite solution for at least two minutes at a concentration of 100 parts per million or by another approved sanitizing solution which shall be used at the concentration as approved by the State Department of Health Services (DHS). A test kit or other device that accurately measures the parts per million concentration of the sanitizer solution shall be available and used.
5. After sanitizing, all equipment and utensils shall be air dried in a manner that will protect them from contamination.
- h. To prevent cross contamination, utensils and food contact surfaces shall be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

2-0.060 Regulations, Rules, and Laws Adopted Reference.

The applicable laws, rules, regulations set forth in Chapter 254 Stats., Sections DHS 195, 196, and 197, of the Wisconsin Administrative Code are incorporated in this regulation by reference and they shall be construed, read and interpreted as though fully set forth herein. The express provisions of this regulation shall control where more restrictive.

2-0.070 Appeals.

Appeals of Health Department orders shall be pursuant to Health Department policy adopted in conformance with the procedures for conducting appeals enumerated in Chapter 68 Stats. Copies of the appeal procedures shall be available at the Health Department.

2-0.080 Violation – Penalties.

Any person who violates or refuses to comply with any provisions of this regulation shall be subject to a forfeiture of not less than \$100 nor more than \$1000 for each offense. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Health Department against continuing violations. In the alternative, the Health Department may pursue enforcement of such section of these regulations as are prosecutable under Sections 254.85, 254.86, 66.0417, and 252.18, Stats.

2-0.090 Effective Date.

All regulations and parts of regulations in conflict with this regulation are hereby repealed; and this regulation shall be in full force and effect immediately upon its adoption and publication as provided by law.

By order - Eau Claire City-County Board of Health

Dated this twenty-second day of February 2012.

Effective on publication date